

\*e-filed 12/3/07

BARRY J. PORTMAN  
Federal Public Defender  
NICHOLAS P. HUMY  
Assistant Federal Public Defender  
160 West Santa Clara Street, Suite 575  
San Jose, CA 95113  
Telephone: (408) 291-7753  
Counsel for Defendant JUSTIN MCNUTT

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

UNITED STATES OF AMERICA,	)	No. CR 07-00263 JF (PVT)
	)	
Plaintiff,	)	
	)	<b>STIPULATION AND <del>PROPOSED</del></b>
v.	)	<b>ORDER TO CONTINUE SENTENCING</b>
	)	
JUSTIN MCNUTT,	)	
	)	
Defendant.	)	
_____	)	

**STIPULATION**

Assistant United States Attorney Shawna Yen, and defendant, Justin McNutt, through his counsel, Assistant Federal Public Defender Nicholas P. Humy, stipulate and agree that the sentencing hearing date in the above-captioned matter, presently scheduled for December 05, 2007, should be continued to January 16, 2008 at 9:00 a.m.

The reason for this continuance is that defense counsel needs time to prepare for the sentencing hearing and expects witnesses who will have to travel.

Dated: November 27, 2007

\_\_\_\_\_/s/  
NICHOLAS P. HUMY  
Assistant Federal Public Defender

Dated: November 27, 2007

\_\_\_\_\_/s/  
SHAWNA YEN  
Assistant United States Attorney

**ORDER**

The parties have jointly requested to continue the sentencing hearing from December 05, 2007 to January 18, 2008 at 9:00 a.m. to allow defense counsel to arrange for witnesses to appear at the sentencing hearing.

GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that the sentencing hearing presently set for December 05, 2007 be continued to January 18, 2008 at 9:00 a.m. pursuant to the parties' stipulation.

Dated: November 30, 2007

  
JEREMY FOGEL  
United States District Judge